



Billing Code: 4510.43-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This Federal Register Notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's Web Site at <http://www.msha.gov/READROOM/PETITION.HTM>. The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202. All visitors are required to check in at the receptionist's desk in Suite 4E401.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Office of Standards, Regulations, and Variances at 202-693-9475 (Voice), fontaine.roslyn@dol.gov (E-mail), or 202-

693-9441 (Telefax), or Barbara Barron at 202-693-9447 (Voice), barron.barbara@dol.gov (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) an alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- Docket Number: M-2013-058-C.

FR Notice: 79 FR 11141 (2/27/2014).

Petitioner: Kimmel Mining, Inc., P.O. Box 8, Williamstown, Pennsylvania 17098.

Mine: Williamstown Mine #1, MSHA I.D. No. 36-09435, located in Schuylkill County, Pennsylvania.

Regulation Affected: 30 CFR 75.1200(d) & (i) (Mine maps).

- Docket Number: M-2014-020-C.

FR Notice: 79 FR 38569 (7/8/2014).

Petitioner: McElroy Coal Company, 57 Goshorn Woods Road, Cameron, West Virginia 26033.

Mine: McElroy Mine, MSHA I.D. No. 46-01437, located in Marshall County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- Docket Number: M-2014-021-C.

FR Notice: 79 FR 38571 (7/8/2014).

Petitioner: Consolidation Coal Company, RD 1 Box 62A, Dallas, West Virginia 26036.

Mine: Shoemaker Mine, MSHA I.D. No. 46-01436, located in Marshall County, West Virginia.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- Docket Number: M-2014-027-C.

FR Notice: 79 FR 59301 (10/1/2014).

Petitioner: Oak Grove Resources, LLC, 8360 Taylors Ferry Road, Hueytown, Alabama 35023.

Mine: Oak Grove Mine, MSHA I.D. No. 01-00851, located in Jefferson County, Alabama.

Regulation Affected: 30 CFR 75.364(b)(2) (Weekly examination).

- Docket Number: M-2014-035-C.

FR Notice: 79 FR 69135 (11/20/2014).

Petitioner: Sunrise Coal, LLC, 12661 Agricare Road, Oaktown, Indiana 47561.

Mine: Oaktown Fuels Mine No. 1, MSHA I.D. No. 12-02394, located in Knox County, Indiana.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

- Docket Number: M-2014-036-C.

FR Notice: 79 FR 69135 (11/20/2014).

Petitioner: Sunrise Coal, LLC, 12661 Agricare Road, Oaktown, Indiana 47561.

Mine: Oaktown Fuels Mine No. 2, MSHA I.D. No. 12-02418, located in Knox County, Indiana.

Regulation Affected: 30 CFR 75.1101-1(b) (Deluge-type water spray systems).

● Docket Number: M-2014-037-C.

FR Notice: 79 FR 70570 (11/26/2014).

Petitioner: Jesse Creek Mining, LLC, 1615 Kent Dairy Road, Alabaster, Alabama 35007.

Mine: Clark No. 1 Mine, MSHA I.D. No. 01-03422, located in Shelby County, Alabama.

Regulation Affected: 30 CFR 75.364(b)(2) (Weekly examination).

Dated: August 6, 2015.

Sheila McConnell,
Acting Director,
Office of Standards, Regulations, and Variances.

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